

Remarks

Amendments to the Claims

The amendments to the claims do not add new matter. The recitation of tables in the claims is replaced by the contents of the tables. New claims 40 and 41 are supported, e.g., on page 24, lines 6-15, and by Table 4.

Response to Restriction Requirement

Applicants elect Group I, claims 1-6, with traverse. Claims 1-6, 40, and 41 read on the elected invention.

The Manual of Patent Examining Procedure sets forth two criteria that must be met to make a proper restriction requirement. First, as stated in 35 U.S.C. § 121, the inventions must be independent or distinct. Second, there must be a “serious burden” on the examiner to justify the restriction. M.P.E.P. § 803. The M.P.E.P. further states that a serious burden may be *prima facie* shown “if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in MPEP § 802.02.” On the other hand, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” M.P.E.P. § 803.

In this case, the *prima facie* showing of a serious burden has not been met, at least with respect to Groups I-IV. The claims of Groups I-IV are all directed to HIV vaccine compositions. As indicated in the table below, independent claim 14 (Group IV) recites all the elements recited in independent claim 1 (Groups I and II) and 7 (Group III):

Group	Independent claim	HIV Gag-encoding sequence	HIV Env-encoding sequence	PLG	oligomeric gp140	pharmaceutically acceptable excipient
I	1	X		X		
II	1		X	X		
III	7				X	X
IV	14	X	X	X	X	X

An examination of Group IV will necessarily include an examination of Groups I, II, and III.

Applicants therefore request that Groups I, II, III, and IV be rejoined and examined together.

Respectfully submitted,

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Dated: June 16, 2008

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